

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16 CV 364**

**FRANK A. MOORE,**

# Plaintiff

**V**

**TAKEDA PHARMACEUTICALS USA,  
INC., et al.**

## Defendants.

## ORDER

This matter is before the undersigned pursuant to a Certification of Counsel and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#21) which the undersigned has considered as a motion by the parties that the Court enter a Pretrial Order and Case Management Plan in this matter. The undersigned has examined the electronic file and has found that one Defendant, that being Takeda Pharmaceutical Company Limited, has not been served, nor has an answer been filed by that Defendant.

Local Rule of Civil Procedure 16.1 provides as follows: LCvR 16.1(A) provides as follows:

**(A) Initial Attorney’s Conference.** As soon as is practicable, and in any event not later than fourteen (14) days from joinder of the issues (as defined in Section (D) below), the parties or their counsel shall

confer as provided by Fed. R. Civ. P.26(f), and conduct an “Initial Attorney’s Conference” (“IAC”).

Joinder of issues is defined as follows:

LCvR 16.1(D)

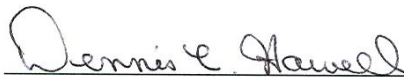
**(D) Joinder of the Issues.** For the limited purpose of these Local Civil Rules, “joinder of the issues” occurs when the final answer to a complaint, third-party complaint, or cross claim or the final reply to counterclaim has been filed, or the time for doing so has expired.

At the present time, joinder of issues has not occurred because Defendant Takeda Pharmaceutical Company Limited has not been served and has not filed an answer in this matter. For those reasons, the undersigned will denied the request that the Court enter a Pretrial Order and Case Management Plan in this matter.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Certification of Counsel and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#21) which the Court has considered as a motion and request that the Court enter a Pretrial Order and Case Management Plan is **DENIED** without prejudice pending the service of the Complaint upon Defendant Takeda Pharmaceutical Company Limited and the filing of an answer by that party.

Signed: March 2, 2017

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Dennis L. Howell  
United States Magistrate Judge

